

Application No. 09/938,280

REMARKS

Claims 1 and 3-20 are pending. By this Amendment, no claims are cancelled, claims 1, 3-7, 11-12, 16 and 20 are amended and no new claims are added.

WRITTEN DESCRIPTION

Review of the specification reveals that the parts of the present invention that are identified throughout the figures by reference numerals 10 and 20 and referred to in the written description as first ratchet 10 and second ratchet 20 are in fact not ratchets but lever action pawls in their structure and function.

35 U.S.C. § 103

The Examiner rejected claims 1 and 3-20 under 35 U.S.C. § 103(a) as being obvious over Ohta in view of Taga in view of Tame in view of Shimada. By this amendment, Applicant has amended independent claims 1, 11, 16 and 20 to delete references to a ratchet and replace them so that the claims now recite "a lever action pawl". This amendment has been made to more clearly define the structure and purpose of the element referred to by this claim term. Support for this term may be found in the original specification by reference to Figures 2, 2a, 3 and 4 reference numerals 10 and 20, which clearly show the element in question to be a "lever action pawl" rather than a "ratchet." The priority document is Japan Application Number 2000-254424, and the terminology in the U.S. specification may be due to translation. The amendment conforms the claim language to what is depicted in the drawings.

Neither Ohta, Taga, Tame or Shimada references disclose or suggest the use of a lever action pawl as recited in amended claims 1, 11, 16 or 20. Thus, amended claims 1, 11, 16 and 20 are patentable over the art of record in the application. Applicant respectfully requests that the Examiner withdraw the rejection. Dependent claims 3-10 depend from claim 1 and

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should be patentable for the same reasons as indicated above for claims 1. Applicant respectfully requests that the Examiner withdraw the rejection.

The Examiner cited the Tame reference as teaching a "courtesy switch (114 and 118 of Tame) that controls the action of a ratchet (56 of Tame) through an actuation mechanism" the present invention does not truly utilize a ratchet but a pawl. . The substitution of the ratchet as disclosed in the Tame reference into the present invention in place of the lever action pawls would result in a mechanism that would not be operable because the unidirectional rotary action of the ratchet from Tame would not be capable of "engage[ing] with the latch to hold the latch at the fully latched position" nor would it be capable of "disengage[ing] from the latch" as recited in claims amended claims 1, 11, 16 and 20.

Dependent claims 12-15 depend from claim 11. These dependent claims should now be patentable for the same reasons as indicated above for claim 11. Applicant therefore requests that the Examiner withdraw the rejection.

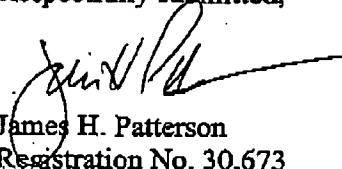
Dependent claims 17-19 depend from claim 16 and should be patentable for the same reasons indicated for claim 16 above. Applicant therefore requests that the Examiner withdraw the rejection.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

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The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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